IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.3916 OF 2006

Shri Mahesh Purushottam Sadekar, .. Petitioner.

Vs

1. The Minister for Food,
Civil Supplies & Consumer...& ors. .. Respondents.

Mr S.G.kudle, for the petitioner.
Mr A.H.palekar, AGP for the respondents.

CORAM : D.B.BHOSALE,J.
DATE : 22.08.2006

PC:

1. Heard the learned counsel for the parties.

2. By this writ petition, the petitioner has challenged the orders passed by the authorities below including the order of the Minister for Food, Civil Supplies and Consumer Protection, directing to discontinue kerosene quota being supplied to the petitioner. On 8.8.1994, the petitioner was granted kerosene quota on temporary basis taking into consideration the then existing strength of the ration cards attached to kerosene distributor at Kurduwadi. The order made it very clear that the kerosene quota was granted on temporary basis. On 31.12.1997, the Tahasildar, Madha had issued a letter making reference to the order dated 8.8.1994, stating that the petitioner had not obtained the kerosene licence as required under

the Kerosene Licensing Order, 1966 and further stated that the petitioner should apply forthwith for such licence. It was also made clear that no kerosene quota would be released until such licence is obtained by the petitioner. Since then till this date the petitioner has been litigating for getting the kerosene quota restored before different authorities on the basis of the order dated 8.8.1994, without holding a valid licence under the Kerosene Licensing Order, 1966. Mr Kudle, submitted that the petitioner had applied for the licence in January, 1997 but his application has not been decided till this date. Mr Kudle, however, failed to produce a copy of his application before me. He invited my attention to some challans, which show that the licence fee was paid by the petitioner in 2002. Admittedly, no such licence has ever been issued to the petitioner. Mr Kudle, learned counsel for the petitioner, placed reliance on the judgment of the Supreme Court in M/s Motilal Padampat Sugar Mills Co ltd Vs. State of Uttar Pradesh and ors, (1979) 2 Supreme Court Cases 409, to contend that under any circumstances after having supplied kerosene quota to the petitioner for several years the Government cannot now withdraw the kerosene quota. In my opinion, merely because the Government continued the supply of kerosene quota to the petitioner that, by itself, will not entitle him to such

quota without obtaining a licence as required under the Kerosene Licensing Order,1966. It appears that the quota was continued by virtue of the orders passed by different authorities at different stages in these proceedings. The judgment relied upon is of no avail to the petitioner in view of the peculiar facts and circumstances of this case. Considering that there are concurrent findings recorded by authorities below and as I find that there is sufficient material on record to sustain those findings and considering the extremely limited jurisdiction of this Court under Article 227 of the Constitution of India, the present writ petition cannot be entertained. In the circumstances, this petition deserves to be dismissed. Order accordingly. The dismissal of the petition, however, shall not come in the way of the petitioner for applying afresh to the concerned authority for kerosene licence and if the petitioner has already filed such application, as stated by Mr Kudle, same may be considered on merits in accordance with law as expeditiously as possible and preferably within a period of three months from the date of production of this order before the concerned authority. However, the petitioner will have to satisfy the concerned authority of having filed such an application earlier.

(D.B.BHOSALE,J.)